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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,834	08/04/2000	Colin D. Nayler	95-346	2550

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MANELLI DENISON & SELTER
2000 M STREET NW SUITE 700
WASHINGTON, DC 20036-3307

EXAMINER

BURD, KEVIN MICHAEL

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 11/19/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/634,834

Applicant(s)

NAYLER, COLIN D.

Examiner

Kevin M Burd

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 12 is/are rejected.
- 7) ☒ Claim(s) 2-11 and 13-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 10/13/00 is being considered by the examiner.

Drawings

2. The drawings are objected to because it is unclear what elements comprise the pulse shape table circuit 15. Item 15 seems to comprise the same elements as the system 10. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Marshall et al (US 4,843,617).

Regarding claim 1, Marshall discloses a method of outputting a set of waveform samples starting at a time instant (transmission time instant) according to a transmit clock (remote clock). A phase error is determined between a transmit clock (the remote

clock) and a prescribed transmit clock (the local clock) relative to some time instant (column 1, lines 56-65). A microprocessor receives the phase error signal and performs a look-up for retrieving an appropriate digital correction signal in response to the phase error signal (column 1, lines 66-68). A generated correction signal is applied to the local clock and the frequency of the local clock is adjusted to reduce the phase error to zero (column 1, lines 50-55). This phase adjusted local clock signal is the "selected waveform sample set" and the generated correction signal in the reference is the "prescribed waveform".

Regarding claim 12, Marshall discloses a method of outputting a set of waveform samples starting at a time instant (transmission time instant) according to a transmit clock (remote clock). A phase error is determined between a transmit clock (the remote clock) and a prescribed transmit clock (the local clock) relative to some time instant (column 1, lines 56-65). The phase error signal is input to a microprocessor. The phase error signal comprises an "address signal" in that the phase error signal causes the microprocessor to carry out a table look up function (column 1, lines 66-68). In addition, the phase error signal comprises a "selection signal" since the microprocessor retrieves the appropriate digital correction signal (column 1, lines 66-68). The calculation of the phase error and the outputting of the phase error signal take place in a "phase correction module". The digital correction signal is applied to the local clock and the frequency of the local clock is adjusted to reduce the phase error to zero (column 1, lines 50-55). This phase adjusted local clock signal is the "selected waveform sample set" and the digital correction signal in the reference is the "prescribed waveform". The

microprocessor and the circuitry carrying out the adjustment to the local clock comprise a "pulse shape table circuit".

Allowable Subject Matter

4. Claims 2-11 and 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moorman et al (US 5,041,798) discloses a system for steering a clock to a higher precision reference clock. The clocks are periodically compared to provide a phase error signal. A correction signal is applied and the frequency of the clock is changed to match that of the reference clock as stated in column 2, lines 36-49.

Contact Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:


(703) 872-9314, (for formal communications intended for entry or for informal or draft communications, please label "PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Kevin Burd, whose telephone number is (703) 308-
7034. The Examiner can normally be reached on Monday-Thursday from 9:00 AM -
6:00 PM.

Any inquiry of a general nature or relating to the status of this application should
be directed to the Group receptionist whose telephone number is (703) 305-3800.



Kevin M. Burd
PATENT EXAMINER
9/30/03